

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JESSICA NIELSEN, Individually
and as Personal Representative
of the Estate of Erik Nielson,
Plaintiff,

v.

TOWNSHIP OF COLUMBIA, et
al.,

Defendants.

Case No. 23-10359
Honorable Shalina D. Kumar
Magistrate Judge Kimberly G. Altman

**ORDER REGARDING REPORT AND RECOMMENDATION
(ECF NO. 45) AND PLAINTIFF'S MOTION FOR ORDER TO SHOW
CAUSE (ECF NO. 31)**

Plaintiff Jessica Nielsen, individually and as personal representative of the Estate of Erik Nielsen, sues defendants Columbia Township and Columbia Township police officer Ben Hovarter (Hovarter) under 42 U.S.C. § 1983 for alleged constitutional violations resulting in the death of her husband, Erik Nielsen. ECF No. 4. Plaintiff claims her husband's death was caused by Hovarter's use of excessive and deadly force and Columbia Township's failure to properly train its officers and its unconstitutional policies and procedures. *Id.* This case was referred to the assigned

magistrate judge for all discovery matters pursuant to 28 U.S.C. § 636(b). ECF No. 20.

Plaintiff moved for an order to show cause as to why non-parties Incident Management Team (IMT) and Dr. Kenneth Wolf should not be held in contempt for failure to comply with duly served subpoenas. ECF No. 31. On January 19, 2024, the magistrate judge issued a Report and Recommendation (R&R). ECF No. 45. The R&R recommends this Court grant plaintiff's motion for an order to show cause as to non-parties Incident Management Team (IMT) and Dr. Kenneth Wolf. *Id.* Neither party filed an objection to the R&R.

On February 8, 2024, plaintiff filed a notice withdrawing her motion because the parties resolved the discovery dispute. ECF No. 47.

Accordingly,

IT IS ORDERED that the pending R&R (ECF No. 45) is **TERMINATED AS MOOT.**

Dated: February 15, 2024

s/ Shalina D. Kumar
SHALINA D. KUMAR
United States District Judge